

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

SAMILLE A. MINOR	§	PLAINTIFF
	§	
v.	§	CIVIL NO. 1:13cv17-HSO-RHW
	§	
MICHAEL J. ASTRUE	§	DEFENDANT

**ORDER ADOPTING PROPOSED FINDINGS OF FACT AND
RECOMMENDATION, DENYING PLAINTIFF'S REQUEST TO REMAND,
AND GRANTING THE COMMISSIONER'S REQUEST TO AFFIRM
THE COMMISSIONER'S DECISION**

BEFORE THE COURT is the Proposed Findings of Fact and Recommendation of United States Magistrate Judge Robert H. Walker [11] entered on January 24, 2014. Also before the Court is the Complaint [1] filed on January 24, 2013, requesting that this Court find that Plaintiff is entitled to disability benefits or, alternatively, to remand this case for a further hearing, Plaintiff's Memorandum Brief in Support of her Complaint [9] filed on May 22, 2013, and Defendant's Memorandum Brief in Opposition to the Complaint [10] filed on July 11, 2013, requesting that the Commissioner's decision be affirmed. The Magistrate Judge recommended that Plaintiff's request to remand be denied and that the Commissioner's decision denying disability benefits be affirmed.

Plaintiff has not filed any objection to the Magistrate Judge's Proposed Findings of Fact and Recommendation. Where no party has objected to a magistrate judge's proposed findings of fact and recommendation, a court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("[A] judge of the court shall make a *de novo* determination of those portions of the report or specified

proposed findings and recommendations to which objection is made.”). In such cases, a court need only review the proposed findings of fact and recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Based on the record before this Court, and having conducted the required review of the Proposed Findings of Fact and Recommendation, the Court is of the opinion that the findings of fact and conclusions of law of the Magistrate Judge are neither clearly erroneous nor contrary to law. The Court finds that the Magistrate Judge properly recommended that Plaintiff’s request to remand this case for a further hearing [1] be denied, and that the decision of the Commissioner be affirmed. Based on the foregoing, the Proposed Findings of Fact and Recommendation [11] of United States Magistrate Judge Robert H. Walker entered in this cause on January 24, 2014, should be adopted as the finding of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendation [11] of United States Magistrate Judge Robert H. Walker entered on January 24, 2014, is adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Plaintiff’s request that this Court find that she is entitled to disability benefits is **DENIED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that Plaintiff’s request that this case be remanded for a further hearing is **DENIED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that the decision of the Commissioner is **AFFIRMED**. A separate judgment will be entered in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED, this the 10th day of March, 2014.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE